

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

JUAN CARLOS CRUZ, #40595-004

Petitioner,

v.

SCOTT MIDDLEBROOKS,

Respondent.

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CASE NO. 2:05-cv-877-WKW

ORDER

On August 28, 2006, the petitioner informed the court that his “projected release date” was November 8, 2006, and his “future residential address” was 915 Bradley Court, West Palm Beach, Florida, 33405. (*See* Doc. # 29.) On December 13, 2006, the Magistrate Judge filed a Recommendation recommending dismissal of the 28 U.S.C. § 2241 petition for habeas relief as moot because the petitioner had been released from the custody of the Bureau of Prisons. (Doc. # 30.) The Magistrate Judge ordered the parties to file objections to the Recommendation on or before December 27, 2006. (*Id.*) On December 27, 2006, the Recommendation that was sent to the petitioner was returned as undeliverable with the following notation: “Refused-Released 11/9/06, Return to Sender- Not Deliverable as Addressed.” Because the Magistrate Judge’s Recommendation was sent to the petitioner at his address at the Eden Correctional Institution and not to his “future residential address,” it is hereby ORDERED that:

1. The Clerk of the Court mail a copy of this order and the Recommendation (Doc. # 30) to the petitioner at 915 Bradley Court, West Palm Beach, Florida, 33405, and list this address as the address of record for said petitioner.
2. The petitioner may file objections, if any, to the Recommendation on or before January 16, 2007.

DONE this 4thday of January, 2007.

/s/ W. Keith Watkins
UNITED STATES DISTRICT JUDGE